

**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

16454.0004 C1

In re Application of: FRIEDMAN, Jeffrey M. et al.

Application No.: 09/635,864

Filed: August 10, 2000

For: OB Polypeptides, Modified Forms and Derivatives

The owner*, The Rockefeller University, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 5,935,810 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

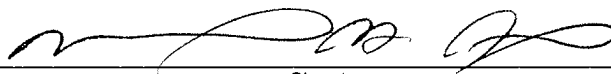
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 41,498



Signature

09/25/2008

Date

Harold H. Fox

Typed or printed name

202-429-3000

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The owner*, The Rockefeller University, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,309,853 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 41,498



Signature

09/25/2008

Date

Harold H. Fox

Typed or printed name

202-429-3000

Telephone Number

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Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
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Washington, D.C. 20231

MARCH 26, 1996

PTAS

DAVID A. JACKSON, ESQ.
KLAUBER & JACKSON
411 HACKENSACK AVENUE, 4TH FLOOR
HACKENSACK, NJ 07601



100102903A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/13/1995

REEL/FRAME: 7718/0306
NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
FRIEDMAN, JEFFREY M.

DOC DATE: 10/16/1995

ASSIGNOR:
ZHANG, YIYING

DOC DATE: 10/16/1995

ASSIGNOR:
PROENCA, RICARDO

DOC DATE: 10/17/1995

ASSIGNOR:
MAFFEI, MARGHERITA

DOC DATE: 10/16/1995

ASSIGNOR:
HALAAS, JEFFREY L.

DOC DATE: 10/16/1995

ASSIGNOR:
GAJIWALA, KETAN

DOC DATE: 10/16/1995

ASSIGNOR:
BURLEY, STEPHEN K.

DOC DATE: 10/17/1995

ASSIGNEE:

ROCKEFELLER UNIVERSITY, THE
1230 YORK AVENUE
NEW YORK, NEW YORK 10021-6399

SERIAL NUMBER: 08347563
PATENT NUMBER:

FILING DATE: 11/30/1994
ISSUE DATE:

SERIAL NUMBER: 08438431
PATENT NUMBER:

FILING DATE: 05/10/1995
ISSUE DATE:

SERIAL NUMBER: 08483211
PATENT NUMBER:

FILING DATE: 06/07/1995
ISSUE DATE:

SERIAL NUMBER: 08488208
PATENT NUMBER:

FILING DATE: 06/07/1995
ISSUE DATE:

SERIAL NUMBER: 08488215
PATENT NUMBER:

FILING DATE: 06/07/1995
ISSUE DATE:

SERIAL NUMBER: 08488214
PATENT NUMBER:

FILING DATE: 06/07/1995
ISSUE DATE:

SERIAL NUMBER: 08488224
PATENT NUMBER:

FILING DATE: 06/07/1995
ISSUE DATE:

SERIAL NUMBER: 08485942
PATENT NUMBER:

FILING DATE: 06/07/1995
ISSUE DATE:

SERIAL NUMBER: 08485944
PATENT NUMBER:

FILING DATE: 06/07/1995
ISSUE DATE:

SERIAL NUMBER: 08488223
PATENT NUMBER:

FILING DATE: 06/07/1995
ISSUE DATE:

SERIAL NUMBER: 08485943
PATENT NUMBER:

FILING DATE: 06/07/1995
ISSUE DATE:

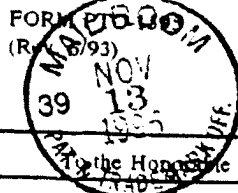
SERIAL NUMBER: 08488225
PATENT NUMBER:

FILING DATE: 06/07/1995
ISSUE DATE:

SEDLEY PYNE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

12-08-1995

10-481-D



100102903
**RECORDATION FORM COVER SHEET
 PATENTS ONLY**

U.S. DEPARTMENT OF COMMERCE
 Patent and Trademark Office

Attorney Docket No. 600-1-087

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): MRD 11-13-95

Jeffrey M. Friedman, Yiying Zhang, Ricardo Proenca,
 Margherita Maffei, Jeffrey L. Halaas, Ketan Gajiwala,
 and Stephen K. Burley

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name

Other: _____

Execution Date: 10/16/95, 10/16/95, 10/17/95, 10/16/95,
10/16/95, 10/16/95, 10/17/95

2. Name and address of receiving party(ies):

Name: The Rockefeller University

Address: 1230 York Avenue

New York, NY 10021-6399

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

08/347,563, 08/438,431, 08/483,211, 08/488,208,
08/488,215, 08/488,214, 08/488,224, 08/485,942, 08/485,944,
08/488,223, 08/485,943, 08/488,225

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David A. Jackson, Esq.

Address: KLAUBER & JACKSON

411 Hackensack Avenue, 4th Floor

Hackensack, New Jersey 07601

6. Total number of applications and patents involved: 12

7. Total fee (37 CFR 3.41): \$40.00

☒ Enclosed

☒ Authorized to be charged to deposit account, if necessary
 - for overages or underpayments only

8. Deposit account number:

11-1153

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Paul F. Fehner, Ph.D.

Name of Person Signing

Paul F. Fehner (Reg. No. 35435)

Signature

11/8/95

Date

Total number of pages including cover sheet, attachments, and document: 8

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
 Box Assignments
 Washington, D.C. 20231

ASSIGNMENT

WHEREAS, WE JEFFREY M. FRIEDMAN, a citizen of the U.S.A.
residing at 500 East 63rd Street
 Apt. 17B
 New York, New York 10021

 YIYING ZHANG, a citizen of the Republic of China
residing at 1161 York Avenue
 Apt. 7H
 New York, New York 10021

 RICARDO PROENCA, a citizen of the U.S.A.
residing at 26-62 30th Street
 Astoria, New York 11102

 MARGHERITA MAFFEI, a citizen of Italy
residing at 504 East 63rd Street
 Apt. 36S
 New York, New York 10021

 JEFFREY L. HALAAS, a citizen of the U.S.A.
residing at 420 East 70th Street
 Apt. 9J
 New York, New York 10021

 KETAN GAJIWALA, a citizen of India
residing at 500 East 63rd Street
 Apt. 11F
 New York, New York 10021

 STEPHEN K. BURLEY, a citizen of the U.S.A.
residing at 500 East 63rd Street
 Apt. 20A
 New York, New York 10021

Docket No.: 600-1-087..

ASSIGNORS, have invented certain new and useful improvements in

**MODULATORS OF BODY WEIGHT, CORRESPONDING NUCLEIC ACIDS AND
PROTEINS, AND DIAGNOSTIC AND THERAPEUTIC USES THEREOF**

for which we have filed Applications for Letters Patent in the United States on

<u>Filing Date</u>	<u>Serial No.</u>	<u>Docket No.</u>
November 30, 1994	08/347,563	600-1-087 CIP
May 10, 1995	08/438,431	600-1-087 CIP1
June 7, 1995	08/483,211	600-1-087 CIP2A
June 7, 1995	08/488,208	600-1-087 CIP2B
June 7, 1995	08/488,215	600-1-087 CIP2C
June 7, 1995	08/488,214	600-1-087 CIP2D
June 7, 1995	08/488,224	600-1-087 CIP2E
June 7, 1995	08/485,942	600-1-087 CIP2F
June 7, 1995	08/485,944	600-1-087 CIP2G
June 7, 1995	08/488,223	600-1-087 CIP2H
June 7, 1995	08/485,943	600-1-087 CIP2I
June 7, 1995	08/488,225	600-1-087 CIP2J

WHEREAS, **THE ROCKEFELLER UNIVERSITY**, an education corporation organized and existing under the laws of the State of New York, with offices at 1230 York Avenue, New York, New York 10021-6399;

ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application;

NOW, THEREFORE, FOR other good and valuable consideration, the receipt of which is hereby acknowledged, we the said

ASSIGNORS,

have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, to the said

ASSIGNEE,

its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, including the right to claim priority under the terms of any appropriate International Convention based upon said application for Letters Patent of the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said

ASSIGNEE,

its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant that we have full right to convey the interest herein assigned in the manner hereinabove set forth, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said

ASSIGNEE,

its successors, legal representatives and assigns, any fact known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisions, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said

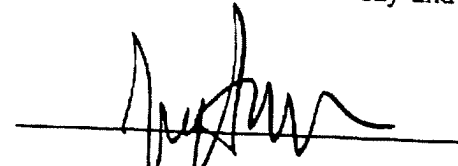
ASSIGNEE,

its successors, legal representatives and assigns, to obtain and enforce proper Patent Protection for said improvements in the United States.

Docket No.: 600-1-087..

IN TESTIMONY WHEREOF, we hereunto set our hand and seal the day and year set opposite our signatures.


Date 10/16, 1995
L.S.


JEFFREY M. FRIEDMAN

State of N.Y. :
County of N.Y. : ss.
:

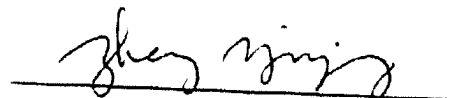
Before me this 16 day of October 1995, personally appeared JEFFREY M. FRIEDMAN, to me personally known to be the person who is described in and who executed the above instrument, and acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

(Affix Seal Here)


Notary Public

TERESA L. SOLOMON
Notary Public, State of New York
No. 31-4989836
Qualified in New York County
Commission Expires Dec. 1, 1995

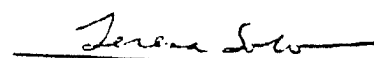
Date 10/16, 1995
L.S.


YIYING ZHANG

State of N.Y. :
County of N.Y. : ss.
:

Before me this 16 day of October 1995, personally appeared YIYING ZHANG, to me personally known to be the person who is described in and who executed the above instrument, and acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

(Affix Seal Here)


Notary Public

TERESA L. SOLOMON
Notary Public, State of New York
No. 31-4989836
Qualified in New York County
Commission Expires Dec. 1, 1995

Docket No.: 600-1-087..

Date 10/17, 1995
L.S.

Ricardo Proenca

RICARDO PROENCA

State of NY :
County of NY : ss.
:

Before me this 17 day of October 1995, personally appeared RICARDO PROENCA, to me personally known to be the person who is described in and who executed the above instrument, and acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

(Affix Seal Here)

Teresa L. Solomon
Notary Public

TERESA L. SOLOMON
Notary Public, State of New York
No. 31-4989838
Qualified in New York County
Commission Expires Dec. 1., 1995

Date 10/16/95, 19
L.S.

Margherita Maffei

MARGHERITA MAFFEI

State of NY :
County of NY : ss.
:

Before me this 16 day of October 1995, personally appeared MARGHERITA MAFFEI, to me personally known to be the person who is described in and who executed the above instrument, and acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

(Affix Seal Here)

Teresa L. Solomon
Notary Public

TERESA L. SOLOMON
Notary Public, State of New York
No. 31-4989838
Qualified in New York County
Commission Expires Dec. 1., 1995

Docket No.: 600-1-087..

Date 10/16, 1995
L.S.

State of NY :
County of NY : ss.
:

Jeffrey L. Halaas
JEFFREY L. HALAAS

Before me this 16 day of October 1995, personally appeared JEFFREY L. HALAAS, to me personally known to be the person who is described in and who executed the above instrument, and acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

Teresa L. Solomon
Notary Public

(Affix Seal Here)

TERESA L. SOLOMON
Notary Public, State of New York
No. 31-4989836
Qualified in New York County
1995

Date 10/16, 1995
L.S.

State of NY :
County of NY : ss.
:

Ketan Gajiwala
KETAN GAJIWALA

Before me this 16 day of October 1995, personally appeared KETAN GAJIWALA, to me personally known to be the person who is described in and who executed the above instrument, and acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

Teresa L. Solomon
Notary Public

(Affix Seal Here)

TERESA L. SOLOMON
Notary Public, State of New York
No. 31-4989836
Qualified in New York County
Commission Expires Dec. 1, 1995

Docket No.: 600-1-087..

Date 10/17, 1995
L.S.

Stephen K. Burley
STEPHEN K. BURLEY

State of NY :
County of NY : ss.
:

Before me this 17 day of oct 1995, personally appeared STEPHEN K. BURLEY, to me personally known to be the person who is described in and who executed the above instrument, and acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

(Affix Seal Here)

Teresa L. Solomon
Notary Public

TERESA L. SOLOMON
Notary Public, State of New York
No. 31-4969836
Qualified in New York County
Commission Expires Dec. 1, 1996